IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 3218 of 2005

Between:

Rongala Rambabu, S/o. Late Appanna,
Retd. APSRTC Driver E. 63945 Tuni Depot, East Godavari District.

..... PETITIONER

AND

1. Government of A.P., rep by its Principal Secretary, Transport

Department, Secretariat, Hyderabad.
2 The Vice Chairman & Managing Director, APSRTC,

Musheerabad, Hyderabad.
3 The Depot Manager, APSRTC, Tuni Depot, Tuni, E.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents to implement the benefits given under the notification No. PD/14/2003 dt. 8-10-2003 in pursuant to the amended Regulation 6A(5) of APSRTC Employees (Service) Regulations, 1964 dt. 28-7-2003 or in alternative the respondents may be directed to implement the benefits given under the persons with disabilities (equal opportunities protections of Rights and full participation) Act, 1995, to the petitioner herein.

Counsel for the Petitioner:MR.V.V.N.NARAYANA RAO

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondent Nos.2 and 3:KUM B.UMA DEVI

The Court at the admission stage made the following O R D E R:

This writ petition is filed seeking a direction to the respondents to implement the benefits under the notification No.PD/14/2003 dated 08.10.2003.

Learned counsel for the petitioner contended that the amended Regulation 6A (5) of APSRTC Employees (Service) Regulations, 1964 (for short 'Regulations') providing better benefits to the medically unfit drivers has been approved by the chair person, pending sanction of the Government, but they are not implemented. Aggrieved by the same, the present writ petition is filed.

Learned standing counsel for the respondents 2 and 3 contended that the Government has not sanctioned any amendment of regulation and therefore, after approval of the government only the said amendment of Regulation 6A(5) of Regulations, 1964 would be given effect to.

Perused the material papers on record. As per the notification No.PD/14/2003 dated 08.10.2003, the board through resolution No.128/2003 dated 28.07.2003 accorded approval for amending Regulations for providing better benefits to the medically unfit drivers. The Chair-person has accorded approval for implementing the amended Regulations, pending sanction of the government. The notification also states that the said amended regulations are notified in the annexure for implementation with immediate effect. Therefore, respondents are bound to accept the amendment to implement it immediately and that they are bound by the notification No.PD/14/2003 dated 08.10.2003. Therefore, the contention of the learned standing counsel for the respondents 2 and 3 cannot be accepted that unless the government has approved the said amendment, it cannot be given effect to, but the purport of the proceedings dated 08.10.2003 would clearly indicate that the said amended regulation is notified and came into effect immediately.

Hence, the writ petition is allowed, directing the respondents to take further steps to implement the benefits given under the notification No.PD/14/2003 dated 08.10.2003. No costs.

23.02.2005

usd

To

1. The Principal Secretary, Government of A.P., Transport

Department, Secretariat, Hyderabad.

2 The Vice Chairman & Managing Director, APSRTC,

Musheerabad, Hyderabad.

3 The Depot Manager, APSRTC, Tuni Depot, Tuni, E.G. District.

4 2 CD copies

5 Two CCs to G.P. for Transport, High Court of A.P., Hyderabad (OUT)

6 1 CC to MR.NARAYANA RAO

*Form-NIC-OGS/WP{**RLD**}*